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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,299	07/28/2006	Laurent Mainard	33155.37	4048

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09/28/2009

EXAMINER

DENNISON, JERRY B

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2443

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,299	Applicant(s) MAINARD, LAURENT	
	Examiner J Bret Dennison	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the amendment for Application Number 10/580,299 received on 5/4/2009.
2. Claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Qi et al. (US 2004/0215784).
4. Regarding claims 1, 7, and 12-16, Qi disclosed a method of transferring at least one message for the establishment of a collaboration session (126) by a manager (125)

Art Unit: 2443

of a collaboration session between a plurality of clients, characterized in that a messaging system (122) is associated with the collaboration session manager and in that the method comprises the steps of:

the reception (E500), by the messaging system associated with the collaboration session manager, of a message generated by a collaboration session client, the message comprising a plurality of addresses of clients of the collaboration session (Qi, [0023], Qi disclosed a user/client transmitting a request message that includes a list of invitees and their addresses),

the activation (E508) of a collaboration session by the collaboration session manager (Qi, [0025], Qi disclosed the starting of the collaboration session after receiving the request, by first setting up the participants),

the obtaining (E513) of an identifier for the collaboration session activated (Qi, [0026], [0030], Qi disclosed obtaining a collaboration session identification number or code),

the transfer (E515), for the establishment of the collaboration session, of at least one message intended for each collaboration session client address, the message comprising the identifier of the collaboration session activated (Qi, [0026], Qi disclosed the server inviting the invitees with a message including the session identification number).

Claim 7 includes a method with limitations that are substantially similar to claim 1. Claims 12 and 13 include a device with limitations that are substantially similar to claim 1. Claim 14 includes a system with limitations that are substantially similar to

Art Unit: 2443

claim 1. Claims 15 and 16 include a computer program with limitations that are substantially similar to claim 1. Qi disclosed a method, device, system, and program performing these limitations (Qi, [0007]-[0012], [0021]). As such, claims 7 and 12-16 are rejected under the same rationale.

5. Regarding claim 2, Qi disclosed the limitations as described in claim 1, characterized in that the message generated by the client of the collaboration session is an electronic message comprising the messaging address of the client who generated the message and the messaging address of the plurality of clients of the collaboration session (Qi, [0023]).

6. Regarding claim 3, Qi disclosed the limitations as described in claim 2, characterized in that temporal information is associated with the electronic message (Qi, [0026]).

7. Regarding claim 4, Qi disclosed the limitations as described in claim 2, characterized in that other messaging addresses are included in the electronic message and the method also comprises a step of determining, amongst the messaging addresses included in the electronic message, messaging addresses of the clients of the collaboration session (Qi, [0023]).

Art Unit: 2443

8. Regarding claim 5, Qi disclosed the limitations as described in claim 4, characterized in that a plurality of messaging addresses are associated with the messaging system associated with the collaboration session manager, and a type collaboration session corresponds to each messaging address (Qi, [0023], [0029]).

9. Regarding claim 6, Qi disclosed the limitations as described in claim 5, including wherein accreditations are allocated to the clients of the collaboration session and the message transferred to each client of the collaboration session comprises the allocated accreditation (Qi, [0026] and [0030]).

10. Regarding claim 8, Qi disclosed the limitations as described in claim 7, characterized in that the message generated by the messaging system associated with a collaboration session manager is an electronic message and in that temporal information is associated with the electronic message (Qi, [0023], [0026]).

11. Regarding claim 9, Qi disclosed the limitations as described in claim 8, characterized in that, prior to the establishment of the session (i.e. the first user to start the collaboration session), the method also comprises the steps of:

displaying the identifier of the collaboration session (Qi, [0030], invitees are provided with the identifier, and also must provide the identifier which clearly would utilize displaying the identifier),

detecting a command made by the client for establishing the collaboration session ([0030], First user's request to would establish the session).

12. Regarding claim 10, Qi disclosed the limitations as described in claim 9, characterized in that, prior to the step of establishing a collaboration session, the method comprises a step of activating collaboration software associated with the client (Qi, [0020], a client establishing a session clearly requires the client to use collaboration software).

13. Regarding claim 11, Qi disclosed the limitations as described in claim 10, characterized in that the method also comprises the step of generating, by means of the messaging system associated with the client of collaboration session, a message intended for the messaging system associated with the collaboration session manager, the message comprising the messaging address of the client of the collaboration session (Qi, [0023], [0026], [0028]).

Response to Arguments

Applicant's arguments with respect to the rejections under 35 USC 102 under the Qi reference have been considered but are not persuasive.

Applicant argues that the request sent by the user is not a message.

Examiner respectfully disagrees.

A request is a type of message that is sent, in this case from the user's computer to the server. In it's broadest interpretation, a message is simply a communication of

some form of data. The claim defines the message to be generated by a client and to include addresses.

The request as disclosed by the reference is sent from the user computer to a server is clearly the communication of some form of data. It has also been shown in the rejection that the request includes addresses as claimed. Therefore the disclosed request is a reasonable interpretation of the claimed message.

With regards to claim 1, Applicant argues, "Qi does not disclose, teach, or suggest a 'messaging system' comprising technical features which allow the sending and receiving of messages that follow the RFC standards of the Internet Message Format".

In response to applicant's argument that the references fail to show these features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues the accreditation interpretation of Qi.

Examiner respectfully disagrees.

Applicant's specification does not provide any detail as to what these accreditations actually consist of, but rather that they are just allocated to the client.

The message as disclosed by Qi clearly allocates to the user the proper information in order to access the collaboration session for example, and therefore allocates an accreditation to the client. Applicant's specification does not provide any

Art Unit: 2443

detail as to what is required by this limitation. The broadest reasonable interpretation has been given in that the client is provided with the proper information to be a part of the session.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

Art Unit: 2443

relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2443

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443